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14SL-AC00516 - JENNIFER TANGNEY V PROGRESSIVE FINANCIAL SERVICES (E-CASE)

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04/16/2014	Corporation Served Document ID - 14-AASM-2458; Served To - PROGRESSIVE FINANCIAL SERVICES INC; Server - ; Served Date - 03-APR-14; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served
04/15/2014	Notice of Service Return of service; Electronic Filing Certificate of Service. Filed By: NATHAN KENNEDY BADER On Behalf Of: JENNIFER TANGNEY
03/31/2014	Alias Summons Issued Document ID: 14-AASM-2458, for PROGRESSIVE FINANCIAL SERVICES INC. Hearing Scheduled Scheduled For: 05/27/2014; 9:00 AM; PATRICK CLIFFORD; St Louis County Hearing Continued/Rescheduled Hearing Continued From: 04/15/2014; 9:00 AM Hearing Alias Summons Requested Tangney v Progressive - Motion for Alias Summons; Electronic Filing Certificate of Service. Filed By: CHRISTOPHER KENNEDY BADER On Behalf Of: JENNIFER TANGNEY
03/03/2014	Hearing Scheduled Associated Entries: 03/31/2014 - Hearing Continued/Rescheduled Scheduled For: 04/15/2014; 9:00 AM; PATRICK CLIFFORD; St Louis County
02/28/2014	Hearing Continued/Rescheduled Hearing Continued From: 03/04/2014; 9:00 AM Hearing
02/18/2014	Notice of Court Hearing Sent TO PLF'S ATTY-RICHARD VOYTAS JR BY THE DIV CLERK THIS DATE Hearing Scheduled Associated Entries: 02/28/2014 - Hearing Continued/Rescheduled Scheduled For: 03/04/2014; 9:00 AM; PATRICK CLIFFORD; St Louis County Hearing Continued/Rescheduled Hearing Continued From: 02/18/2014; 9:00 AM Hearing
01/14/2014	Summons Issued-Associate Document ID: 14-ADSM-703, for PROGRESSIVE FINANCIAL SERVICES INC. Hearing Scheduled Associated Entries: 02/18/2014 - Hearing Continued/Rescheduled Scheduled For: 02/18/2014; 9:00 AM; PATRICK CLIFFORD; St Louis County
01/02/2014	Summ Req-Assc Pers Serv Judge Assigned 39T Confid Filing Info Sheet Filed Pet Filed in Associate Ct

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Released 03/05/2014



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: PATRICK CLIFFORD	Case Number: 14SL-AC00516	RECEIVED BY LEGAL DEPARTMENT APR 03 2014 468 8923 SLM BY: M. Edt
Plaintiff/Petitioner: JENNIFER TANGNEY	Plaintiff/Petitioner's Attorney/Address: RICHARD ANTHONY VOYTAS Jr. 1 NORTH TAYLOR AVENUE SAINT LOUIS, MO 63108 (314) 932-1068	
Defendant/Respondent: PROGRESSIVE FINANCIAL SERVICES INC DBA: PROGRESSIVE FINANCIAL OF ARIZONA INC	Date, Time and Location of Court Appearance: 27-MAY-2014, 09:00 AM DIVISION 39 ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105	
Nature of Suit: AC Other Tort		

(Date File Stamp)

Associate Division Alias Summons

The State of Missouri to: PROGRESSIVE FINANCIAL SERVICES INC

Alias:
DBA: PROGRESSIVE FINANCIAL OF ARIZONA INC
RA: CSC LAWYERS INC SERVICE CO
221 BOLIVAR STREET
JEFFERSON CITY, MO 65101

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

3-31-14

Date

Further Information:
tp

James P. Blum
Clerk

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
- ☐ other _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

(Seal)

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 34.

IN THE CIRCUIT COURT
ST. LOUIS COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

14 JAN -2 PM 12:04
CLERK
ST. LOUIS COUNTY

JENNIFER TANGNEY

Plaintiff,

v.

Case No.

PROGRESSIVE FINANCIAL SERVICES,
INC., d/b/a PROGRESSIVE FINANCIAL OF
ARIZONA, INC.

Division

Serve at
CSC Lawyers Incorporating Service Company,
Registered Agent
221 Bolivar Street
Jefferson City, Missouri 65101

Defendant.

JURY TRIAL DEMANDED

PETITION

COMES NOW, Plaintiff, Jennifer Tangney, and for her Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. § 1692k(d), as Defendant's collection activity was directed to Plaintiff in St. Louis County, Missouri. Venue is also proper in St. Louis County, Missouri for this reason.

PARTIES

4. Plaintiff is a natural person currently residing in St. Louis County, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA.

5. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions. Specifically, Plaintiff believes the alleged debt arose from student loans.

6. Defendant Progressive Financial Services, Inc., d/b/a Progressive Financial of Arizona, Inc. is a foreign corporation with its principal place of business in Tempe, Arizona.

7. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

8. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA. 15 U.S.C. § 1692a(6).

FACTS

9. Defendant's collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

10. Defendant's collection efforts included collection letters it sent Plaintiff.

11. Defendant sent Plaintiff a collection letter dated November 18, 2013.
12. Defendant's letter was false and misleading in that it contained absolutely no indication that Plaintiff was being charged interest.
13. Defendant has, at all times relevant, sought to collect ever-increasing interest charges from Plaintiff since the initial August collection letter.
14. Defendant's collection letter did not contain any safe harbor language explaining to Plaintiff that due to interest, late charges, and other charges that may vary from day to day, the amount due on the day Plaintiff would pay might be greater than the amount due contained in the collection letter or previous stated balance.
15. As such, Defendant's collection letter mischaracterized the character and/or amount of the debt.
16. Plaintiff never agreed to arbitrate any disputes with Defendant.
17. Defendant's conduct has caused Plaintiff to suffer actual damages including but not limited to anxiety and worry.

COUNT I: VIOLATIONS OF THE FDCPA

18. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.
19. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 USC 1692 *et. seq.*, including, but not limited to, the following:
 - a. Defendant deceptively failed to state the amount of the debt. 15 U.S.C. §1692d-f.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendant and in favor of Plaintiff for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages, costs, and reasonable attorney's fees pursuant to 15 USC § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

Respectfully Submitted,

VOYTAS & COMPANY,



RICHARD A. VOYTAS, #52046

NATHAN K. BADER, #64707

JENNIFER R. DESCHAMP, #58594

Voytas & Company, LLC

1 North Taylor Ave.

St. Louis, Missouri 63108

Phone: (314) 832-1088

Fax: (314) 667-3161